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JOHN P. BANKSON, JR.  
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July 28, 1995

DOCKET FILE COPY ORIGINAL

**By Hand**

Acting Secretary  
Federal Communications Commission  
Room 222  
1919 M Street, N.W.  
Washington, D.C. 20554

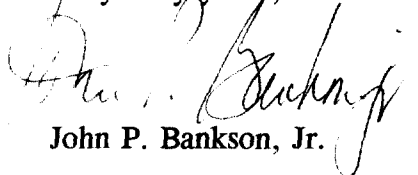
Re: Amendment of Section 73.202(b)  
Table of Assignments FM Broadcast Stations  
Esperanza, Puerto Rico

Dear Sir/Madam:

Transmitted herewith on behalf of Esperanza Broadcasters is an original and four (4) copies of a Petition for Rulemaking for allotment of Channel 258B to Esperanza, Puerto Rico.

If there are any questions concerning this matter, please contact the undersigned.

Very truly yours,

  
John P. Bankson, Jr.

JPB:deh

Enclosures

DC:17853\_1.WP5

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049  
MMB

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of	)	MM Docket No.
	)	
Amendment of Section 73.202(b)	)	RM-_____
Table of Allotments,	)	
FM Broadcast Stations,	)	
(Esperanza, Puerto Rico)	)	

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

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**PETITION FOR RULEMAKING**

Esperanza Broadcasters, by counsel and pursuant to 47 C.F.R. §§1.401 and 1.420, files its "Petition for Rulemaking" to amend 47 C.F.R. §73.202(b) to allot Channel 258B to Esperanza, Puerto Rico.

1. The proposed allotment will provide a first aural transmission service for Esperanza. Esperanza is a comunidad as defined by the 1990 U.S. Census located on the South shore of Vieques with a population of 1,183.<sup>1</sup> First local service is the highest priority considered by the FCC in determining whether to grant a new FM allotment to a community. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982). The proposed allotment of Channel 258B to Esperanza will advance the objectives of

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1. Attached is a 1990 U.S. Census Map with Esperanza highlighted with diagonal lines (Puerto Rico - 1990 U.S. Census of Population, CP-1-53, Map p. G-13).

Section 307(b) of the Communications Act of 1934, as amended, and the FCC's FM allotment policies.

2. As set forth in the attached engineering statement of Graham Brock, Inc., the allotment of Channel 258A to Esperanza will comply with the mileage separation requirements of 47 C.F.R. §73.207, with a change of channel for WVIQ(FM) Christiansted, Virgin Islands, from Channel 258B to Channel 293B. No change in tower site will be required. Esperanza will reimburse the licensee of WVIQ(FM) for the reasonable costs associated with its channel change in accord with Circleville, Ohio, 8 FCC 2d 159 (1967).

3. The proposed allotment of Channel 258B to Esperanza and the channel change for WVIQ(FM) from Channel 258B to Channel 293B are both contingent on the finality of FM channel allotments and changes in Puerto Rico and the Virgin Islands in the Report and Order in MM Docket 91-259 (DA 95-1323), released June 22, 1995; petitions for reconsideration of that Report and Order are pending.

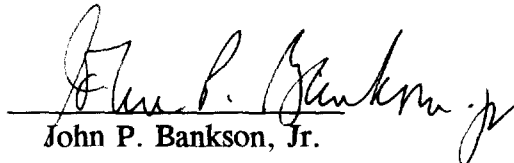
4. Esperanza will apply for Channel 258B in Esperanza when it is allotted, and, if its application is granted, Esperanza will promptly build and operate the proposed station.

WHEREFORE, for the foregoing reasons, Esperanza Broadcasters respectfully requests that the FCC issue a Notice of Proposed Rulemaking to allot Channel 258B to

Esperanza, Puerto Rico, and to change the channel allotted to WVIQ(FM), Christiansted,  
U.S. Virgin Islands, from Channel 258B to Channel 293B.

Respectfully submitted,

**ESPERANZA BROADCASTERS**

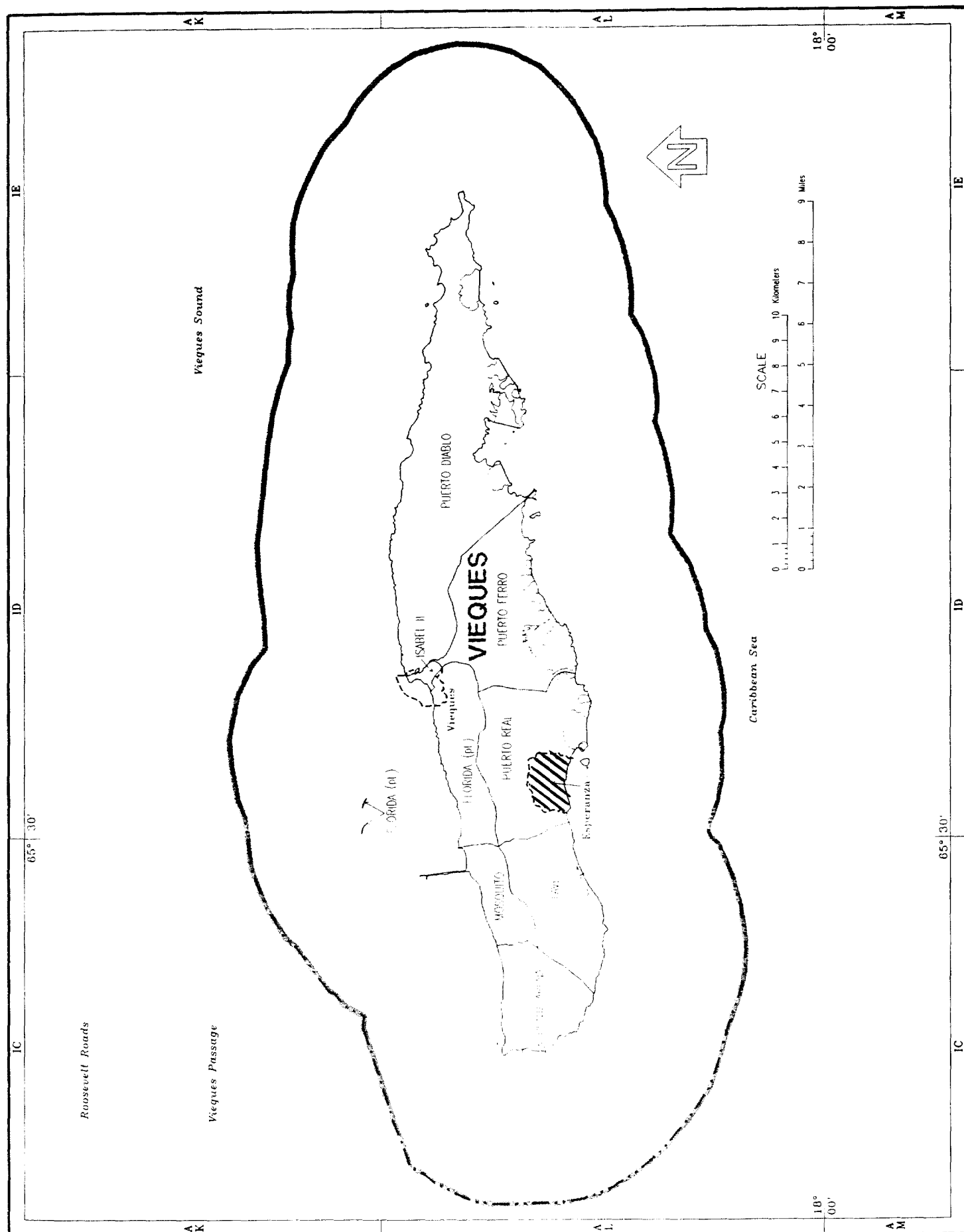
By:   
John P. Bankson, Jr.

Its Attorney

**DRINKER BIDDLE & REATH**  
901 15th Street, N.W.  
Suite 900  
Washington, D.C. 20005  
(202) 842-8806

Dated: July 28, 1995

# Municipios, Municipio Subdivisions, and Places - Section 10



U.S. DEPARTMENT OF COMMERCE Economics and Statistics Administration Bureau of the Census

MAPS

PUERTO RICO G-13

# GRAHAM BROCK, INC.

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BROADCAST TECHNICAL CONSULTANTS

PETITION FOR RULEMAKING  
ESPERANZA BROADCASTERS  
ALLOT CHANNEL 258B  
ESPERANZA, PUERTO RICO  
July 1995

TECHNICAL EXHIBIT

*Copyright 1995*

**PETITION FOR RULEMAKING**  
**ESPERANZA BROADCASTERS**  
**ALLOT CHANNEL 258B**  
**ESPERANZA, PUERTO RICO**  
**July 1995**

**TECHNICAL STATEMENT**

1. This Technical Statement and attached exhibits were prepared on behalf of Esperanza Broadcasters ("EB"), a petitioner requesting the allotment of Channel 258B to Esperanza, Puerto Rico, as that community's first local service. In order to accommodate the allotment of Channel 258B to Esperanza it is necessary to substitute Channel 293B for Channel 258B at Christiansted, Virgin Islands. Channel 258B is presently in use at Christiansted by radio station WVIQ. EB herein requests the license for WVIQ be modified to specify operation on Channel 293B in lieu of Channel 258B. These proposed allotments are contingent on the channel allotments and changes in MM Docket #91-259 becoming final.<sup>1</sup>

**PROPOSAL**

2. Esperanza, Puerto Rico, is located on the island of Vieques, east of the Puerto Rico mainland. Esperanza is located on the southern shore of the island with a population of 1,183 persons according to the 1990 U.S. Census.<sup>2</sup> The allotment of Channel 258B to Esperanza will provide this community with its

1) MM Docket #91-259, DA 95-1323, adopted June 13, 1995, released June 22, 1995.

2) Taken from 1990 Census Population and Housing, 1990 CPH-2-53 Puerto Rico.

first locally licensed facility. The allotment of Channel 258B at Esperanza assumes WVIQ, Channel 258B, Christiansted, Virgin Islands, is relocated to Channel 293B as described below.

3. Channel 258B can be allotted to Esperanza, Puerto Rico, at reference coordinates North Latitude 18° 19' 10" and West Longitude 65° 18' 48". This represents a site restriction of 29.3 kilometers northeast of the community in order to avoid shortspacing to Channel 258A, Quebradillas, Puerto Rico; Channel 256B, San Juan, Puerto Rico; and WIOA, Channel 260B, San Juan, Puerto Rico. Exhibit #1 is a usable area study for Channel 258B at Esperanza, Puerto Rico. Exhibit #2 is a \$73.207 spacing study that indicates the channel, at the proposed allocation reference site, complies with the Commission's minimum distance separation requirements. From the reference site, a 3.16 mV/m contour will be delivered over all of Esperanza.<sup>3</sup>

4. Channel 293B can be allocated in substitution for Channel 258B at Christiansted, Virgin Islands, at reference coordinates North Latitude 17° 44' 07" and West Longitude 64° 40' 46". The substitution of channels can be accommodated at the licensed WVIQ transmitter site. Christiansted will continue to receive city grade service from the WVIQ facility on the new channel since only a substitution of channels is proposed.

3) The allotment of Channel 258B at Esperanza assumes the relocation of WSAN, Channel 255B, Vieques, Puerto Rico, to Channel 252A, Las Piedras, Puerto Rico (MM Docket #91-259). Part of the usable area for Channel 258B at Esperanza is land area in the eastern portion of the island of Vieques. However, the permissible eastern portion of the island is a military reservation and no tower construction is possible. Therefore, the actual reference site for the channel is on the island of Culebra from which a 3.16 mV/m contour can be delivered to all of Esperanza.



Exhibit #3 is a usable area map which denotes where a transmitter site could be located as an alternative to the WVIQ site. Exhibit #4 is a §73.207 spacing analysis demonstrating that Channel 293B at the WVIQ transmitter site complies with the Commission's minimum distance separation requirements.<sup>4</sup>

5. Therefore, EB requests the following amendment to §73.202(b) of the Commission's rules:

**Esperanza, Puerto Rico**

<u>Present</u>	<u>Proposed</u>
None	258B

**Christiansted, Virgin Islands**

<u>Present</u>	<u>Proposed</u>
228B, 236B, 258B, 262B	228B, 236B, 262B, 293B

**PUBLIC INTERESTS ASPECTS**

6. Once Channel 258B is allotted to Esperanza it will provide this community of 1,183 persons with its first locally licensed facility. In addition, from the reference site, a maximum Class B facility on Channel 258B will provide service to 953,479 persons in the 1.0 mV/m contour of the facility.<sup>5</sup>

4) The allocation of Channel 293B at Christiansted, Virgin Islands, assumes the construction permit for Channel 293A at Culebra, Puerto Rico, (File #BPH-911114MS) becomes operational on Channel 254A and that WVIS, Channel 291B, Christiansted, has been relocated to Channel 291B at Vieques, Puerto Rico.

5) The maximum facility is based on 50.0 kilowatts effective radiated power with an antenna height above average terrain of 472 meters.

7. Therefore, EB herein requests the Commission effectuate this proposal by allocating Channel 258B to Esperanza, Puerto Rico, and the requisite substitution of channels at Christiansted as outlined above. EB herein states that when Channel 258B is allotted to Esperanza it will file an application for construction permit on a timely basis for the new Esperanza channel. In addition, EB pledges to reimburse the licensee of WVIQ at Christiansted for reasonable expenses to effectuate the change of channels for that facility.

8. The foregoing Technical Statement and attached exhibits were prepared on behalf of Esperanza Broadcasters by Graham Brock, Inc., its Technical Consultants. All information contained herein is true and accurate to the best of our belief and knowledge. All data relating to FM allocations and facilities was extracted from the NTIA database as updated June 30, 1995. We assume no liability for errors or omissions in that database which may be adverse to the requests contained herein.



**ALLOCATION STUDY FOR ESPERANZA, PUERTO RICO  
USING PROPOSED ALLOCATION SITE AS REFERENCE**

REFERENCE	CLASS B	DISPLAY DATES
18 19 10 N		DATA 06-30-95
65 18 48 W	Current rules spacings	SEARCH 07-25-95
----- CHANNEL 258 - 99.5 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
<b>AD258</b>	<b>258B</b>	<b>Esperanza</b>	<b>PR</b>	<b>0.0</b>	<b>0.00</b>	<b>241.0</b>	<b>-241.00</b>
<b>AD</b>	<b>18 19 10</b>	<b>65 18 48</b>	<b>0.000 kw</b>	<b>OM</b>	<b>0.0</b>	<b>149.8</b>	
<b>Esperanza Broadcasters</b>							
<b>WVIQ</b>	<b>258B</b>	<b>Christiansted</b>	<b>VI</b>	<b>134.0</b>	<b>93.20</b>	<b>241.0</b>	<b>-147.80</b>
<b>LI CN</b>	<b>17 44 07</b>	<b>64 40 46</b>	<b>32.000 kw</b>	<b>225M</b>	<b>57.9</b>	<b>149.8</b>	
<b>Zaca Canyon, Inc. BLH-940601KC</b>							
<b>&gt; to Channel 293B - Esperanza Broadcasters</b>							
<b>WSAN</b>	<b>255B</b>	<b>Vieques</b>	<b>PR</b>	<b>54.6</b>	<b>1.55</b>	<b>74.0</b>	<b>- 72.45</b>
<b>LI CN</b>	<b>17 44 07</b>	<b>64 40 46</b>	<b>32.000 kw</b>	<b>225M</b>	<b>0.9</b>	<b>45.9</b>	
<b>Carlos J. Colon-Ventura BLH-911210KB</b>							
<b>&gt; to Channel 252A per MM Docket #91-259</b>							
<b>ALOPEN</b>	<b>258A</b>	<b>Quebradillas</b>	<b>PR</b>	<b>272.9</b>	<b>178.04</b>	<b>178.0</b>	<b>0.04</b>
<b>AL</b>	<b>18 23 33</b>	<b>66 59 46</b>	<b>0.000 kw</b>	<b>OM</b>	<b>110.7</b>	<b>110.6</b>	
<b>&gt; Reserved for WQQZ Quebradillas, PR per MM Docket #91-259</b>							
<b>ALOPEN</b>	<b>256B</b>	<b>San Juan</b>	<b>PR</b>	<b>253.7</b>	<b>81.42</b>	<b>74.0</b>	<b>7.42</b>
<b>AL</b>	<b>18 06 45</b>	<b>66 03 07</b>	<b>0.000 kw</b>	<b>OM</b>	<b>50.6</b>	<b>46.0</b>	
<b>&gt; Reserved for WPRM-FM San Juan, PR per MM Docket #91-259</b>							
<b>WIOA</b>	<b>260B</b>	<b>San Juan</b>	<b>PR</b>	<b>266.7</b>	<b>82.76</b>	<b>74.0</b>	<b>8.76</b>
<b>LI CN</b>	<b>18 16 32</b>	<b>66 05 41</b>	<b>50.000 kw</b>	<b>298M</b>	<b>51.4</b>	<b>46.0</b>	
<b>Estereotempo, Inc. BLH-910508KC</b>							
<b>WKJBFM</b>	<b>256B</b>	<b>Mayaguez</b>	<b>PR</b>	<b>264.2</b>	<b>178.16</b>	<b>74.0</b>	<b>104.16</b>
<b>LI CN</b>	<b>18 09 05</b>	<b>66 59 19</b>	<b>25.000 kw</b>	<b>601M</b>	<b>110.7</b>	<b>46.0</b>	
<b>WKJB Am-FM, Inc. BLH-850301KP</b>							
<b>&gt; to Channel 254B per MM Docket #91-259</b>							
<b>WEUCFM</b>	<b>205B</b>	<b>Ponce</b>	<b>PR</b>	<b>263.4</b>	<b>136.21</b>	<b>20.0</b>	<b>116.21</b>
<b>LI CN</b>	<b>18 10 27</b>	<b>66 35 32</b>	<b>11.000 kw</b>	<b>888M</b>	<b>84.7</b>	<b>12.4</b>	
<b>Catholic Univ of PR Service BLED-840522BZ</b>							

**CHANNEL 258B ALLOCATION STUDY**

**STUDY ASSUMES WVIQ CHRISTIANSTED, VI  
OPERATING ON CHANNEL 293B (IN LIEU OF  
CHANNEL 258B) AND WSAN OPERATING ON  
CHANNEL 252A (IN LIEU OF CHANNEL 255B).**

**EXHIBIT #2**

**PETITION FOR RULE MAKING  
ESPERANZA BROADCASTERS  
ALLOT CHANNEL 258B  
ESPERANZA, PUERTO RICO**

**July 1995**

**GRAHAM BROCK, INC.**

**BROADCAST TECHNICAL CONSULTANTS**



**ALLOCATION STUDY FOR CHRISTIANSTED, VIRGIN ISLANDS  
USING WVIQ/PROPOSED ALLOCATION SITE AS REFERENCE**

REFERENCE	CLASS B	DISPLAY DATES
17 44 07 N	Current rules spacings	DATA 06-30-95
64 40 46 W	CHANNEL 293 -106.5 MHz	SEARCH 07-25-95

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
AD293	293B	Christiansted	VI	0.0	0.00	241.0	-241.00
AD	17 44 07	64 40 46	0.000 kW	0M	0.0	149.8	
<b>Esperanza Broadcasters</b>							
CP293	293A	Culebra	PR	314.2	93.20	178.0	-84.80
CP CN	18 19 10	65 18 48	6.000 kW	166M	57.9	110.6	
	Aurio A. Matos				BPH-911114MS	961223	
> to Channel 254A per MM Docket #91-259							
WVIS	291B	Christiansted	VI	274.7	16.70	74.0	-57.30
LI CN	17 44 51	64 50 11	9.000 kW	272M	10.4	46.0	
	V. I. Stereo Communications				BLH-870114KB		
> to Channel 291B Vieques, Puerto Rico per MM Docket #91-259							
ALOPEN	291B	Vieques	PR	315.1	92.91	74.0	18.91
AL	18 19 39	65 18 05	0.000 kW	0M	57.7	46.0	
Reserved for WVIS Christiansted, V.I. per MM Docket #91-259							
WNIKFM	293B1	Arecibo	PR	291.1	231.72	211.0	20.72
LI HN	18 28 28	66 43 40	19.500 kW	-82M	144.0	131.1	
	Kelly Broadcasting System				BLH-2953		
WMEG	295B	Guayama	PR	286.4	151.32	74.0	77.32
LI CY	18 06 48	66 03 07	25.000 kW	594M	94.1	46.0	
	Guayama Broadcasting Co.				BLH-830628AK		
WFID	239B	Rio Piedras	PR	291.9	160.03	20.0	140.03
LI CN	18 16 00	66 05 05	50.000 kW	287M	99.5	12.4	
	Century-ML Radio Venture				BLH-860630KB		

**CHANNEL 293B ALLOCATION STUDY**

STUDY ASSUMES CP293A CULEBRA, PR (FILE # BPH-911114MS) OPERATING ON CHANNEL 254A (IN LIEU OF CHANNEL 293A) AND WVIS OPERATING ON CHANNEL 291B AT VIEQUES, PR (IN LIEU OF CHANNEL 291B AT CHRISTIANSTED, PR).

**EXHIBIT #4**

**PETITION FOR RULE MAKING  
ESPERANZA BROADCASTERS  
ALLOT CHANNEL 258B  
ESPERANZA, PUERTO RICO**

July 1995

**GRAHAM BROCK, INC.**

BROADCAST TECHNICAL CONSULTANTS

**AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT**


*State of Georgia    )*  
*St. Simons Island    ) ss:*  
*County of Glynn    )*

**JEFFERSON G. BROCK**, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by Esperanza Broadcasting to prepare the attached Technical Exhibit.

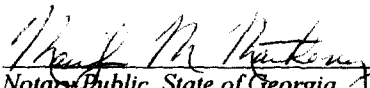
His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

*This the 26th day of July, 1995.*

  
\_\_\_\_\_  
Jefferson G. Brock  
*Affiant*

*Sworn to and subscribed before me  
this the 26th day of July, 1995*

  
\_\_\_\_\_  
Notary Public, State of Georgia  
My Commission Expires: September 8, 1995

**CERTIFICATE OF SERVICE**

Dottie E. Holman certifies that she has, this 28th day of July, 1995, caused a copy of the foregoing Petition for Rulemaking to be hand delivered to:

Mr. John A. Karousos  
Chief, Allocations Branch  
Mass Media Bureau  
Federal Communications Commission  
Room 8322  
2025 M Street, N.W.  
Washington, D.C. 20554

  
Dottie E. Holman